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CAMPAIGN FINANCE AND PRACTICES

COMPLAINT FORM (07/01)

TYPE OR PRINT IN INK ALL INFORMATION ON THIS FORM EXCEPT FOR VERIFICATION SIGNATURE

PERSON BRINGING COMPLAINT (COMPLAINANT):

COMPLETE NAME MARY MORRIS
COMPLETE MAILING ADDRESS PO BOX 1210
DARBY, MT 59829
TELEPHONE NUMBERS: WORK 821-3282 HOME 821-3282

PERSON OR ORGANIZATION AGAINST WHOM COMPLAINT IS BROUGHT (RESPONDENT):

COMPLETE NAME HIGHER GROUND FOUNDATION, INC.
COMPLETE MAILING ADDRESS PO BOX 1393
HAMILTON, MT 59840
TELEPHONE NUMBERS: WORK 821-1942 HOME 349-2143

PLEASE COMPLETE THE SECOND PAGE OF THIS FORM AND DESCRIBE IN
DETAIL THE FACTS OF THE ALLEGED VIOLATION.

VERIFICATION BY OATH OR AFFIRMATION

STATE OF MONTANA, COUNTY OF RAVALLI

I, MARY MORRIS, being duly sworn, state that the information in this
Complaint is complete, true, and correct, to the best of my knowledge and belief.

(SEAL)



KATIE NIELSON
NOTARY PUBLIC-MONTANA

Residing at Darby, Montana

My Comm. Expires August 1, 2010

Mary Morris
Signature of Complainant

Subscribed and sworn to before me this 14 day of
October, 2008.

Katie Nielson Katie Nielson
Notary Public

My Commission Expires: Aug 1, 2010

STATEMENT OF FACTS:

The Ravalli County Commissioners adopted a Growth Policy in 2004. The adopting was approved by a straw vote of the citizens of the county in November of 2004. Four years later, on June 18, 2008, Dan Cox, a resident of Ravalli County, submitted a petition for verification by the County Clerk and Recorder to repeal the county's Growth Policy. Dan Cox formed a group titled "Citizens Coalition for Repealing the Growth Policy." The group is listed as a Political Committee with the Commission of Political Practices.

On August 7, 2008, Dan Cox turned in enough petition signatures to place a referendum to repeal the Growth Policy on the November 2008 ballot. Accordingly, the referendum on the Growth Policy is now a ballot issue and is on the ballot for Ravalli County voters this November. The website for this petition and Dan Cox's Citizens Coalition for Repealing the Growth Policy is www.stopzoningnow.com (see Exhibit "A"). Among other things, a growth policy is required before a county can consider zoning.

Five days later, on August 12, 2008, Higher Ground Foundation, Inc. ("Higher Ground") was incorporated as a Montana corporation. Its stated type is "public benefit with members." This corporation listed itself as an Incidental Committee with the Commissioner on Political Practices. Its registered agent is Terrilyn Daniel and its treasurer is Dan Floyd, both of whom are from Ravalli County (see Exhibit "B").

Shortly after this, Higher Ground began supporting the efforts to repeal the Growth Policy. I have seen quarter-page ads that Higher Ground has purchased in the only local daily newspaper, The Ravalli Republic, attacking the Growth Policy and urging its repeal. I have been told that Higher Ground is running radio ads that are attacking the Growth Policy, urging its repeal. I have seen numerous yard signs furnished by Higher Ground that are being placed around the county, urging voters to repeal the Growth Policy. Higher Ground has also been distributing a pamphlet titled "Why Repeal the Growth Policy?" (see Exhibit "C"). Higher Ground has also run ads on at least four large commercial billboards on Highway 93, the major north-south traffic route through the valley. I have seen several of these billboards myself. Each of these billboards has urged voters to repeal the Growth Policy. In one instance, one included an attack on a member of the Ravalli County Planning Board who is supportive of the Growth Policy (see Exhibit "D").

Dan Cox is working with Higher Ground and has been identified in at least one newspaper article as a member of Higher Ground. In a Ravalli Republic article regarding streamside setback issues dated October 1, 2008, Higher Ground is mentioned as follows: "Chris Daniel, Dan Cox and other members of Higher Ground, a nonprofit group of

growth policy opponents . . ." (See Exhibit "E"). It is my understanding that Chris Daniel is the husband of Terrilyn Daniel.

Dan Cox has also been speaking and participating in Higher Ground educational seminars entitled: "Learn the Truth about the Growth Policy." These events are also being promoted by the Bitterroot Valley Board of Realtors. One such seminar which I attended, took place in the Darby Middle School Gym on the evening of October 8, 2008. Shirley Rasmussen, a Ravalli County resident, Terrilyn Daniel of Higher Ground, and Dan Cox were the only speakers at this presentation. These speakers talk about the upcoming ballot issue and urge voters to vote for the repeal of the Growth Policy. The other seminars are scheduled for Florence on October 16 and Hamilton on October 22. Exhibit "C" is the pamphlet I received from Higher Ground at the Darby seminar.

No other speakers were allowed to speak at the Darby meeting. Mr. Vito (Sonny) LaSalle, a retired Forest Service Supervisor, who was a member of the group that drafted the Ravalli County Growth Policy, wished to speak at the meeting in Darby to present the reasons the Growth Policy should be retained. I called Dan Cox and Terrilyn Daniel to ensure that if Mr. LaSalle drove to the meeting, he would be allowed to speak. I was told by Ms. Daniel that he would not be allowed to speak.

The law states that "an incidental committee is a political committee which is not organized or maintained for the primary purpose of influencing elections but which may incidentally become a political committee by reason of making a contribution or expenditure to support or oppose a candidate and/or issue." Administrative Rules of Montana 44.10.327(2)(c).

I believe the above facts establish that Higher Ground was undoubtedly formed to repeal the Ravalli County Growth Policy. But, at the very least, it is more likely than not that Higher Ground was formed to repeal the Growth Policy, a specific ballot issue, and thus does not qualify as an incidental committee. The timing of its incorporation, the nature of its road signs, its radio ads, its billboards and public meetings, all focusing on the Ravalli County Growth Policy, support my conclusion. Also, the open connection between Dan Cox and Higher Ground further supports this conclusion.

Based on this, I believe that Higher Ground must be required to disclose its financial contributors on October 22, 2008, so that the voters in Ravalli County will know before the election who is influencing the election. Knowing who is funding Higher Ground's efforts to defeat the Growth Policy before they vote will allow the voters to make an informed decision regarding the merits of Higher Ground's onslaught of negative advertising against the Growth Policy.

"Ultimately property rights and personal rights are the same thing."

Calvin Coolidge

StopZoningNow.com

Ravalli County

"Those who deny freedom to others deserve it not for themselves."

Abraham Lincoln



REPEALING

THE GROWTH POLICY

STOPS ALL

PERMANENT ZONING

INCLUDING:

COUNTYWIDE ZONING
STREAMSIDE SETBACKS
HWY 93 CORRIDOR

WE HAVE OFFICIAL MADE THE NOV. BALLOT!!
Thanks for all of your efforts. This wouldn't have happened without your help. Your voices will now be heard.

Please turn the rest of the signatures you've gathered into the Clerk and Records office. We will continue to update the website on events and important information leading up to the Nov. election.

For now the signature gathering is on hold. If it starts back up you can help us gather signatures. The Signature Gatherer must have a copy of the Growth Policy and Amendments 1-3 in possession (available below) while gathering signatures, so it's available for review by signers. The Signature Gatherer must also fully explain the petition. Each Signature Gatherer must get an affidavit notarized for every bundle of up to 25 petition pages that they get signed.

Please call 821-0302 for instructions or questions

This petition is for the registered electors of the unincorporated area of Ravalli County only. If you Reside in the city limits of Darby, Hamilton, Pinesdale or Stevensville please don't sign the petition. Unregistered voters may sign, but their voter registration card should be stapled to the petition page they've signed.

Please print out and review all the documents below.

Petition To Repeal The Growth Policy
Signature Gatherer Affidavit
Growth Policy
Growth Policy Amendment 1
Growth Policy Amendment 2
Growth Policy Amendment 3

The above documents must not be altered in any way.

Citizens Coalition For Repealing The Growth Policy
Treasurer: Daniel Cox
PO Box 169
Conner, MT 59827
1-406-821-0302
freedom@stopzoningnow.com

THANKS FOR YOUR SUPPORT



LOCATIONS FOR PETITION SIGNING

CREAMERY PICNIC
STEV
AUG 1st-2nd

SULA COUNTRY STORE
7060 hwy 93
821-3364

ALPINE REALTY
808 N. Main
Darby
Doreen
821-3771

SKALKAHO LODGE
STEAKHOUSE
1380 Skalkaho Hwy
Sandy
363-3522

CORNER SPORTS BAR
1013 1st st.
375-0200

TOWNE & COUNTRY
MORTGAGE
811 S. 1st St.
Hamilton
Al/Priscilla
363-4630

EXIT REALTY
Hamilton
Jani Summers
369-1126
Jenni Stoddard
396-4752

DONALDSONS BROS.
477 US HWY 93
Hamilton

COWPOKE RANCH SUPPLY
1308 Eastside Hwy.
Corvallis
Taylor or Wade
961-4917

DAWSONS BOOKKEEPING
496 woodcrest lane
Corvallis (E. Side)
Penny
375-2406

BITTERROOT STOVES
corner of Sheafman & Hwy 93
Loren & Juelene
961-1701

APPLEBURY SURVEY

Nothing on this website should be considered to be legal advice. The information on this site is for educational purposes only.

**MONTANA SECRETARY OF STATE BRAD JOHNSON**
Business Entity Search[Instructions](#) [Search Tips](#) [Feedback](#)

Data Current as of...

If you are ordering a Certificate of Fact or Certificate of Existence, please make sure the Foreign/Domestic Corporation or Limited Liability Company is in "Good Standing".

Enter the name of the business, and check to see whether their annual report was filed in the current year.

We are not able to provide a Certificate of Fact or Certificate of Existence unless the current annual report is filed.

Name: HIGHER GROUND FOUNDATION, INC.

ID #: D187458

Type: PUBLIC BENEFIT WITH MEMBERS

Jurisdiction State: MT

Status: ACTIVE

Status Reason: GOOD STANDING

Status Dates

Expiration Date:

Date of Incorporation: 08/12/2008

Last AR Filed:

Suspension:

Inactive Date:

Diss/Widthdr/Revoke:

Additional Info

Term: PERP

Shares:

Purpose Code: NONE STATED

Agent

Registered Agent: TERRILYN DANIEL

Address 1: 7013 BEAR HOLLOW CT/59829

Address 2: PO BOX 1393

City: HAMILTON

State: MT

Zip: 59829-0000

If you would like to purchase a Certificate of Existence for this business entity, select the button below. You will be assessed a \$5.00 fee for this service. (This fee consists of a \$3.00 certificate fee from the Secretary of State's office, and a \$2.00 online processing fee).

[Get Certificate of Existence](#)

If you would like to purchase a Certificate of Fact for this business entity, select the button below. You will be assessed a \$15.00 fee for this service. (A \$13.00 certificate fee from the Secretary of State's office, and a \$2.00 online processing fee).

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Stream Setbacks

The premise of this regulation is that we must protect our water quality, wildlife and public safety. But, none of this is in jeopardy .

John Lafave, DEQ Geologist states that our water is abundant and as pure as it can be!

Mr. Vore, of the FWP, stated that our elk herd is 300% larger than it was 20years ago. And, research shows there has never been significant property loss or life lost due to flooding in our valley.

So the question is, Why is this necessary? We already have at least six governmental agencies whose mandate is to protect the rivers, streams and the wildlife. Are they doing their job?

The final question for you is Are you ready to pay for all of the property on water that is deemed unusable by the Courts?

HWY 93 Corridor

The proposed highway 93 corridor regulations will require established business' to move away from the highway. But, to where? Who will pay for this move?

Is this another case of the our county taking private property without compensation?

Repealing the Growth Policy

Will stop all of these unnecessary regulations, onerous fees and licenses and excessive increase in property taxes. Now, is your last chance to speak to the commissioners and tell them that you want OUT!

VOTE For Repealing THE GROWTH POLICY

Paid for by
Higher Ground Foundation
P. O. Box 1393
Hamilton, MT. 59840

WHY REPEAL THE GROWTH POLICY?

EXHIBIT "C"

PRESENTED BY

**HIGHER GROUND
FOUNDATION INC.**

**P. O. BOX 1393
HAMILTON, MT.
59840**

WHEN YOU
VOTED FOR THE
GROWTH
POLICY, WERE
YOU AWARE
THAT IT WOULD
● GIVE THE
COUNTY THE
AUTHORITY TO:

ZONE THE
COUNTY?

● IMPLEMENT
STREAMSIDE
SETBACKS?

IMPLEMENT
THE
HIGHWAY 93?

WHAT IS THE COST OF ZONING?

\$200,000.00

And counting!

It will cost a great deal more in the future if it is approved. You could expect numerous new permits, fees and miscellaneous charges for activities that now cost you nothing. Impact fees and/or permit fees have been scheduled for nearly every home improvement project. Can we afford it?

The social cost to our community was detailed in a study written by Harvard and the Wharton school that stated "zoning creates Elitism, because it separates citizens of differing economic groups."

One of the many great things about our valley is that we are not separated by how much you make or how much you have acquired. Rich men live down the street from working men, native Bitterrooter's live next door to folks from other parts of the country.

Does this make sense to you?

According to Alan Thompson approximately 5% of the valley has yet to be zoned, don't you think it is a waste of taxpayers dollars to spend so much time on such a small part of the total?

Haven't we seen enough government waste? If we can not fully fund our law enforcement, fire departments, schools, road and bridge departments and other necessary services, how can we support the creation of another department?

Sunday, October 12 2008

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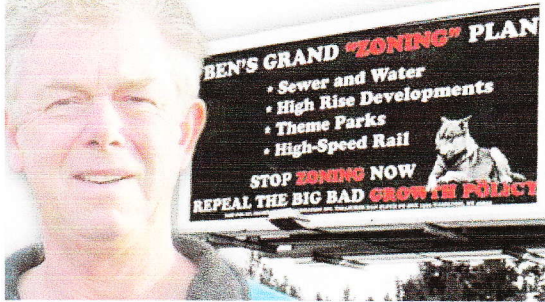
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Archived Story

Signs of the times by JOHN CRAMER - Ravalli Republic



Sign, sign, everywhere a sign...

Nearly 40 years have passed since that hit song about America's fondness for signs, but they're still a popular way to get the word out about Ravalli County's controversial growth policy.

In recent weeks, property rights activists have put up dozens of roadside signs - from hand-lettered placards to billboards - to urge voters to repeal the county's growth policy on the Nov. 4 ballot.

Supporters and opponents of the policy also have published dozens of advertisements, letters to the editor and opinion columns in newspapers. Opponents plan more billboards and print ads as well as public forums, radio ads and brochures.

It's all part of an effort at public forums, across kitchen tables and in other locales to persuade the populace to cast their ballot on the future of growth in the Bitterroot Valley.

Both sides predicted victory.

Chris Daniel of Higher Ground, a nonprofit group that opposes the growth policy, said public response to the group's billboards has been favorable, although vandals have torn down many of their yard signs.

"If feedback means anything, I think it'll be a huge victory for repealing the growth policy," he said.

Stewart Brandborg, president of the nonprofit Bitterrooters for Planning, disagreed.

"The battle lines are drawn," he said. "We've already lost a lot of our great resources - our natural beauty and farmland - but I think if good people can come together, we can save what we have left."

State law requires counties to have a growth policy before they can adopt zoning. Ravalli County's growth policy was adopted in 2002. The county currently is working toward adopting zoning regulations.

The growth policy's supporters say zoning, streamside setbacks and other regulations are needed to ensure orderly growth.

Opponents say such regulations infringe on private property rights, stymie growth and expand government bureaucracy.

Perhaps the most noticeable get-out-the-vote effort has been three billboards along U.S. 93 in Florence, Stevensville and Hamilton.

Higher Ground officials declined to say how much they are spending on the billboards and other outreach efforts.

The billboards include photos of a dollar bill and wolves - the common theme being that the growth policy will take a bite out of taxpayers' wallets and their behinds.

"A lot of young people don't read the newspaper and a lot of older people don't use the Internet, so this is a way to reach both groups," said Terri Daniel, executive president of Higher Ground.

One of the billboards has generated controversy because it targets Ben Hillicoss, a leading growth policy advocate.

The red, white and blue billboard includes a photo of a wolf and entreaties to "Stop Zoning Now" and "Repeal The Big Bad Growth Policy" under the heading "Ben's Grand 'Zoning' Plan."

The sign doesn't mention Hillicoss' last name, but Higher Ground officials confirmed Hillicoss is targeted because he helped craft the growth policy.

Ben Hillicoss, who supports Ravalli County's growth policy and zoning and streamside setback efforts, has been targeted in a billboard by Higher Ground, a property rights advocacy group that wants the growth policy repealed in the November election. WILL MOSS - Ravalli Republic

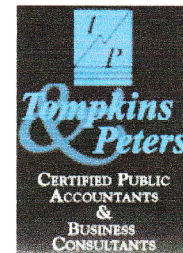


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to a better life

Start Today!
Click Now!





The wolf image is an allusion to the Little Red Riding Hood folk tale and also plays on many Bitterrooters' dislike of wolves, said Chris Daniel, a Higher Ground member.

The billboard mentions high-rise developments, theme parks and a high-speed rail system, which Hillicoss included in a "vision" statement he wrote to county officials in April 2007.

Higher Ground members say the memo proves that Hillicoss favors inappropriate development.

In the memo, Hillicoss mentions a number of issues - including a major airport, university, technology industries, senior living centers, convention centers and other amenities - that he said should be considered in any growth policy that covers the next century.

Hillicoss, 69, a retired computer executive who lives in Florence, is both bemused and frustrated by the billboard. He said he has no "grand plan."

"The billboard is a big leap backward," he said. "I'm just one of many people who worked on the growth policy for years. My intention all along has been that we need to plan for infrastructure as our population grows or we'll have sprawl."

Hillicoss said a growth policy, zoning and other regulations will guide growth rather than limit it. He said he supports planned, economically viable and sustainable growth. He said zoning will increase property values over time.

"If the market will bear it and people will buy it, I'm for it," he said. "But having a plan is better than flying by the seat of your pants. If the growth policy is repealed, it'll be a bloody shame."

Hillicoss, a long-time volunteer on citizen boards in the valley, said he might withdraw from community activism if the growth policy is repealed.

"I may get so frustrated, I'll just drop out of everything," he said.

Carlotta Grandstaff, chairwoman of the Ravalli County Commission and a growth policy proponent, said the Higher Ground billboards are inflammatory.

"I could be polite and say they're being disingenuous or I could be blunt and just say they're lying," she said. "It's all exaggeration and lies."

Grandstaff said the billboard targeting Hillicoss is especially troublesome given his years of volunteer service on the Planning Board, Streamside Setback Committee and other citizen panels.

"The Board of Commissioners doesn't appreciate our volunteer board members being insulted or ridiculed," she said.

Brandborg said growth policy advocates have focused their efforts on getting the word out through media coverage. But he said the group would pay for billboards and roadside signs if donations can be raised.

He and other growth policy supporters say the policy was a grassroots effort involving hundreds of residents, but that some developers, real estate agents and others are misportraying it as conspiracy by bureaucrats and environmentalists.

The growth policy's opponents, some of whom helped craft the document, say it is being misused as a pretext for adopting zoning, streamside setbacks and other onerous regulations that restrict the rights of private property owners.

Chris Daniel said the group is trying to educate people as to the true nature of the growth policy, which he said will prevent development of affordable homes and industrial jobs needed in the valley.

He said the policy will result in lower property values, higher property taxes, a bloated bureaucracy and zoning that tramples property owners' rights.

"Little Red Riding Hood almost bought the wolf's story, but the taxpayers of Ravalli County shouldn't," Daniel said.

Terri Daniel said many residents don't realize how much the growth policy will intrude into their lives.

"We investigated the facts and our opponents don't like what we're saying, but everything is documented," she said. "Higher Ground feels that if you want or don't want the growth policy, you need to know exactly what's in it."

According to a surveyor's report last year done at the request of Higher Ground, about 10,000 privately owned acres would be included in proposed streamside setbacks in Ravalli County.

Terri Daniel said a Higher Ground analysis of Montana Department of Environmental Quality data shows the Bitterroot's streams and aquifer are healthy and that Ravalli County property owners have about the same impact on riparian lands as anglers and floaters.

Between 1990 and 1998, the population of Ravalli County grew by 40 percent, pushing the Bitterroot to the top of high-growth areas in Montana.

In 1998, Ravalli County voters defeated a land-use plan called Vision 2020, but four years later county commissioners adopted the growth policy, which was the Bitterroot's first official land-use document.

Commissioners later revised the policy a number of times and cut the 100-page document nearly in half.

Voters voiced support for the policy in 2004 and approved an interim zoning measure in 2006 that requires county officials to work toward countywide zoning.

The interim measure, which limits subdivision density to one house per two acres, expires in November as the county continues working toward adopting countywide zoning and streamside setbacks.

More information is available at 396-4752 about Higher Ground's public forums on the county's growth policy on Oct. 1 in Stevensville, Oct. 8 in Darby, Oct. 15 in Florence and Oct. 22 in Hamilton.

Reporter John Cramer can be reached at 363-3300 or jcramer@ravallirepublic.com

Reader's Comments >>

boberto wrote on Sep 29, 2008 11:11 PM:

Planning opponents say meetings violate law

by JOHN CRAMER - Ravalli Republic

The Ravalli County Attorney will investigate allegations that citizen advisory subcommittees crafting a streamside setback proposal are violating state law by failing to accept public input.

The County Commission on Tuesday decided to ask County Attorney George Corn to review both the letter and the spirit of the state open meetings law.

The investigation was prompted by ongoing concerns from some residents who oppose the county's growth policy and its efforts to adopt zoning and streamside setbacks.

More than a dozen people who attended the commission's meeting also asked them to halt further meetings of the Streamside Setback Committee and its subcommittees and to toss out all work they have completed to date.

The commissioners, which earlier in the day granted the committee an extension to Oct. 31 to complete its draft report, said they would fully review all the streamside documents and subject them to public hearings before the document is approved.

But opponents said the streamside meetings were far from "transparent" - as required by county commissioners - and that the process smacked of a "conspiracy" to exclude dissent from those who dislike land-use regulations.

Commissioners agreed to have the county attorney review the matter, but they refused to halt the committee's meetings or to repudiate its work.

The county attorney also will investigate whether Streamside Setback Committee members violated state law when they e-mailed each other in recent months about their desire to exclude public input at subcommittee meetings.

The full committee has 18 members, all of whose names appear to have been included in the e-mail exchanges. It would take seven members to create a quorum.

Commissioners plan to ask Corn to expedite his review of the alleged violation of public meetings laws.

Chris Daniel, Dan Cox and other members of Higher Ground, a nonprofit group of growth policy opponents, said they were satisfied that the county attorney would review the matter.

But they said commissioners should have gone further by tossing out all of the Streamside Setback Committee's work and starting the process over again.

The Streamside Setback Committee and its subcommittees have been meeting for more than a year since they were appointed by the county commission to craft streamside setback regulations.

The full committee's meetings are advertised, but the subcommittee meetings have not been.

Opponents say land-use regulations violate private property rights, but supporters say land-use regulations would preserve the Bitterroot Valley's quality of life as its population continues to grow and more farm fields and forests are converted to home sites.

Opponents have posted roadside signs, taken out newspaper ads and are hosting public forums leading up to the Nov. 4 ballot on whether to repeal the growth policy, which is required before zoning can be adopted.

Commissioners are seeking an opinion from the county attorney on whether they can pass a resolution supporting the growth policy without violating a state law that prohibits elected bodies from taking a position on a ballot issue.

Commissioners also heard from residents who asked that any proposed zoning regulations be submitted to a public vote before they are adopted.

Commissioners currently plan to adopt the zoning rules and maps before putting them on the next general election ballot in June 2010.

Grandstaff said it makes sense to adopt the zoning regulations first so residents can base their vote on "something concrete rather than just a concept."

But Chip Pigman told commissioners that many people "fear something being jammed down their throats" in the form of heavy-handed zoning and streamside setbacks that would be permitted if the growth policy remains in effect.

He said commissioners would improve the public's trust if they allowed people to vote on zoning regulations before they were adopted.

"It's the logical thing to do," Pigman said.

Reporter John Cramer can be reached at 363-3300 or jcramer@ravallirepublic.com